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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/975,664	
	Filing Date	1/23/03	
	First Named Inventor	Frank Fellhauer	
	Group Art Unit	2575	
	Examiner Name	Arabel M. Ton	
Total Number of Pages in This Submission		Attorney Docket Number	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 09/975,664
Appn. Filed: 10/10/01
Applicant: Frank Fellhauer
Title: Forward Facing Brake Light
Examiner: Anabel M. Ton/2875

In response to the Office Action mailed out on October 24, 2002, please note the following remarks:

REMARKS

The Examiner has rejected claims 1-7 of the present application under 35 U.S.C. 103(a) as being unpatentable over Duerkob (US 4,954,808) and further in view of Tran (US 5,059,015). The Applicant respectfully traverses this objections on several grounds, as noted below.

First of all, it should be noted that the two prior art references, even if combined, do not disclose the four separate lens segments, with these segments being fabricated into two larger segments and two smaller segments. The two larger segments are the actual "forward facing" segments of the present invention and are mounted in a "gull-winged" aerodynamic shape. The lens serves several purposes, including increased aerodynamics, increased projection, and increased lens surface area that can display the lights within the present invention.

Neither Duerkob nor Tran discloses any solutions to any of these problems. It should be noted that Duerkob and Tran simply do not focus whatsoever on the aerodynamic qualities of their respective disclosed inventions. Duerkob deals with a rear-mounted brake light within a vehicle, while Tran deals with a side-mounted mirror

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that just happens to have an internally mounted light. The inventions disclosed in these two prior art references, for lack of a better description, are about as boxy as invention could be.

Although "mere duplication of the essential working parts" may involve only routine skill in the art, it is clear that the duplication of the actual number of lens in the present invention are present for the sake of "mere duplication." Rather, the number of lens in the present invention is specifically configured to make the present invention aerodynamic, as stated in claim 1.

The Applicant believes that it is not "merely obvious" to provide an aerodynamic shape for the housing of the front-mounted brake light merely because modern vehicles may have aerodynamic shapes for particular attached automotive accessories. The fact of the matter remains that there is no front-mounted and forward-facing brake light, previously disclosed, that has been designed with one of its goals to be aerodynamic, which is the true of the present invention. Therefore, Applicant believes he has successfully traversed this rejection on this ground.

The Examiner also notes that it would be obvious to use LED's as a light source in the present invention because the advantages of LED's over other light sources are already well known. It should be noted that although this may be true, LED's have been infrequently used with vehicles, at best, until very recently, due to the difficulty in getting proper illumination levels within vehicles. Brake lights require high illumination levels, and this was not previously available with LED's until recently. Furthermore, the ability of LED technology was not available for vehicles until very recently in any regard. Therefore, it would not be automatically "obvious" to utilize LED's as a light source within a vehicle brake light, especially combined with the several other characteristics of

the present invention disclosed in the application.

Applicant would also like to point out that the prior art available, as previously disclosed herein, tends to steer away from the need for "aerodynamic" brake lights. Therefore, this would provide an additional reason as to why the Applicant believes that it would not be obvious to render the present invention aerodynamic because there is no suggestion in the prior art to have this aerodynamic characteristic.

In summation, the Applicant believes that he has successfully traversed the Examiner's objections with regard to claim 1, and at least some of the dependent claims also. The Applicant concedes that "individual" characteristics of the present invention might be separately considered "obvious" if they are each looked at while acting oblivious about the other characteristics of the present invention. The Applicant does concede that LED's may be better than other light sources in some instances, that forward-facing brake lights have previously been disclosed, and that some exterior automotive accessories may be aerodynamically shaped. However, these facts do not automatically render the present invention obvious merely because the present invention possesses each of these characteristics. Rather, the unique combination of these items in the present invention as claimed shows that the present invention is nonobvious, especially since there is no suggestion in the prior art to combine the elements of the present invention in the manner they have been.

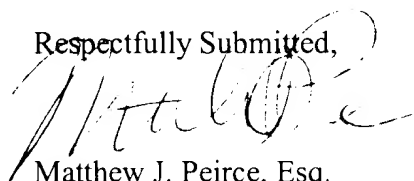
Although the Applicant believes that the above-listed arguments successfully traverse most, if not all, of claims 1-7, Applicant would also like to note that claims 2-7 are either directly or indirectly dependent on claim 1, which Applicant believes he has now shown to be proper and an allowable claim. Therefore, the rest of the claims, deriving from an allowable claim, would contain all the limitations inherent in claim 1

and any intervening claims, and as a result, would also be allowable.

CONCLUSION

For all of the above-described reasons, applicant submits that the specifications and claims are now in proper form, and that the claims define patentability over the prior art. In addition, applicant believes that their arguments in the "Remarks" section successfully traverses the objections and rejections brought forth by the Examiner in the Office Action. Therefore, the applicant respectfully submits that this application is now in condition for allowance, which action he respectfully solicits.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Matthew J. Peirce', written over a horizontal line.

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